

# **Exhibit 3**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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SONY MUSIC ENTERTAINMENT, et al., :  
Plaintiffs, :  
:  
-vs- : Case No. 1:18-cv-950  
:  
COX COMMUNICATIONS, INC., et al., :  
Defendants. :  
:  
-----:

HEARING ON MOTIONS

January 25, 2019

Before: John F. Anderson, U.S. Mag. Judge

APPEARANCES:

Matthew J. Oppenheim, Scott A. Zebrak, Jeffrey M. Gould,  
and Kerry M. Mustico, Counsel for the Plaintiffs

Thomas M. Buchanan, Jennifer A. Golinveaux, and  
Sean R. Anderson, Counsel for the Defendants

1 want all of these documents. They have no basis to believe  
2 there are any issues. They haven't even reviewed what we've  
3 produced or allowed us to produce everything to them that they  
4 have asked for already.

5 And yet they're here and they're asking the Court,  
6 you know, because we don't think we're going to get necessarily  
7 what we want, we want you to order it before we have even  
8 looked at what they're going to produce.

9 And, by the way, in the -- they did ask for way more  
10 in their motion than they are now asking for again, Your Honor.

11 THE COURT: All right. Well, again, I think I  
12 understand this issue well enough. You know --

13 MS. GOLINVEAUX: Your Honor, may I have a brief point  
14 in response?

15 THE COURT: Okay.

16 MS. GOLINVEAUX: Mr. Oppenheim referred to Judge  
17 O'Grady's order. We're not seeking chain of title going all  
18 the way back to the original creator. We are seeking the  
19 assignments of licenses that put it in the name of the  
20 plaintiffs. We know that they don't -- they are employees.  
21 These are not created by employees of the plaintiff. So that's  
22 what we're seeking, and that's the distinction with what Judge  
23 O'Grady ruled.

24 THE COURT: Okay. Well I think what they have agreed  
25 to produce to date is going to be sufficient. If there is any

1 specific questions that you've got that relate to specific  
2 issues for copyrighted works, then I'll consider dealing with  
3 this issue on a copyrighted work-by-copyrighted work basis. Of  
4 if it's a many copyrighted works that are subject to a similar  
5 work or a wire for hire or something like that.

6 But, you know, at this point in time the idea that  
7 you know, for all 11,000 copyrighted works, you know, the three  
8 areas that you've asked for or have now made clear in your  
9 reply brief that you're asking for, I don't -- I don't see that  
10 being appropriate under the circumstances of this case.

11 So I'm going to deny the motion to compel as to this  
12 second category.

13 All right. So now we're dealing with these narrowly  
14 tailored requests that include a request such as: All  
15 documents that mention, refer to, or relate to Cox that were  
16 created, received, or sent from 2013 to the present.

17 That was described in your motion as a narrowly  
18 tailored request.

19 MS. GOLINVEAUX: Your Honor, we think all documents  
20 the plaintiffs have talking about Cox are relevant in this  
21 case. They have been targeting Cox for years. They have been  
22 tracking the BMG litigation.

23 We met and conferred with them and discussed this.  
24 They said there are certain categories that would make that  
25 burdensome. And we asked them what those might be. And they